



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/100,934	06/22/98	STOUT	W 9278

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111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS IN 46204-5137

LMC1/1002

EXAMINER

PARDO, T

ART UNIT

PAPER NUMBER

2771

DATE MAILED:

10/02/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/100,934

Applicant(s)

Stout

Examiner

Thuy Pardo

Group Art Unit
2771



☒ Responsive to communication(s) filed on Jul 20, 1900

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-4 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-4 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

1. Applicant's Declaration and Reconsideration filed on July 20, 2000 in response to Examiner's Office Action has been reviewed.
2. Claims 1-4 are presented for examination.
3. The text of those sections of Title 35, U.S. Code § 103 not included in this action can be found in a prior Office Action.
- 4.
5. Claims 1 and 3 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Adamchick** patent no. 5,761,668, claim 2 is rejected under 35 U.S.C. § 103 as being unpatentable over **Adamchick** patent no. 5,761,668, and claim 4 is rejected under 35 U.S.C. § 103 as being unpatentable over **Adamchick** patent no. 5,761,668, in view of **Dickens** patent no. 5,806,063.
6. **Adamchick** and **Dickens** were cited as prior art in the last office action. The rejections are respectfully maintained and incorporated by reference as set forth in the last office action.

Response to Arguments

7. Declaration under 37 C.F.R. 1.131

The nexus between the exhibit of the affidavit and the claimed invention is missing.

The exhibit demonstrates an abstract conception for some of the elements of the claims, but clearly does not demonstrate elements such as those of claim 1:

a computer readable memory storage medium,
data files, or
a central processing unit.

An analysis of missing elements for other claims is similar. If the claims closely echoed only the limitations demonstrated, they would be rejected under 35 U.S.C. § 101.

Hence it is considered that Adamchick is prior art, and the priority date of the invention is that of the application, 22 June 1998.

8. 102(e) rejection:

Applicant fails to recognize to the level of skill in the art. In particular, in claim 1, a format is claimed which enables an arithmetic, and is the same as that taught by Adamchick. Clearly the same capability follows from the common format and would be recognized by one of ordinary skill. Further, the point of data file is to use the dates for calculations.

The seven digits from claim 3 merely uses the standard year format, 1999, 2000, 2001, ...etc, which provides for no year compressions. The seven digit Julian date is known in Adamchick [col. 4, lines 28-32].

9. Applicant's arguments have been fully considered but they are not deemed to be persuasive.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black, can be reached at (703) 305-9707. The fax phone number for this Group is (703) 3085403.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

12. **Any response to this final action should be mailed to:**

Serial Number: 09/100,934
Art Unit: 2771

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Box AF

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or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

(703) 308-5359, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,
Sixth Floor (Receptionist).



Thuy Pardo
September 28, 2000



WAYNE AMSBURY
PRIMARY PATENT EXAMINER